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Regulations and Non-Regulatory Revisions to State Implementation Plan: U.S. Virgin Islands

Atlantic Environmental Associates, Inc.
Waltham, MA

Prepared for

Environmental Protection Agency
Research Triangle Park, NC

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Regulations and Non-Regulatory Revisions to State Implementation Plan: U.S. Virgin Islands

By

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Contract No. 68-02-3565

EPA Project Officer: Willis P. Beal

Prepared for

U.S ENVIRONMENTAL PROTECTION AGENCY
Control Programs Development Division
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16. ABSTRACT

This document has been produced in compliance with Section 110(h) of the Clean Air Act, as amended in 1977, which mandates periodic publication of State Implementation Plan (SIP) requirements. The first section of the document comprises the Federally approved SIP regulations. It consists of the EPA-approved State and/or local air pollution control regulations cited by reference in the Federal Register; regulations promulgated as of August 1, 1981 have been included in this document.

The present compilation constitutes an update of a previous documentation of regulations as of July 1, 1979. State and/or local air quality regulations which have not been Federally approved as of August 1, 1981, are not included. However, any omissions of regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations. A summary sheet of the regulatory revisions is provided to give a quick historical assessment of the changes.

The second part of the document contains the text of non-regulatory SIP revisions approved by EPA up to August 1, 1981, excluding notices or certifications of public hearings and technical support data. A complete tabulation of these revisions is also provided.

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PREFACE

This document has been produced in compliance with Section 110(h) of the Clean Air Act, as amended in 1977, which mandates periodic publication of State Implementation Plan (SIP) requirements. The first section of the document comprises the Federally approved SIP regulations. It consists of the EPA approved State and/or local air pollution control regulations cited by reference in the Federal Register; all regulations Federally promulgated as of August 1, 1981 have been included.

The present compilation constitutes an update of a previous documentation of regulations as of July 1, 1979.* State and/or local air quality regulations which have not been Federally approved as of August 1, 1981 are not included. However, any omissions of regulations from this document in no way affects the ability of the respective Federal, State or local agencies to enforce such regulations.

This document is not intended to provide a tool for determining the enforceability of any given regulation. Rather, it is intended to provide a comprehensive compilation of those regulations which are incorporated by reference into Title 40, Part 52, of the Code of Federal Regulations (CFR). The exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation in this document does not, in itself, render the regulation enforceable by either the State or EPA.

The regulations have been organized in this document according to the official State/local agency format. However, since State air quality regulations vary widely in their organization, content, and language, a standardized subject index has been added. The index listings consist of both pollutant and activity oriented categories to facilitate usage. For example, regulations which apply to copper smelters may be found under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State are not included herein but can be found under Title 40 Code of Federal Regulations, Part 52.

Additionally, a summary sheet of the regulatory revisions is included to provide a quick historical assessment of the changes. These summary sheets contain the date of submittal to EPA of each revision and the Federal Register publication date on which the revision was approved by EPA. A brief description of the regulation which was submitted is also included.

In accordance with the Act, the second part of the document contains non-regulatory SIP revisions approved by EPA up to August 1, 1981. All approved non-regulatory revisions listed under Identification of Plan in the CFR are included except notices or certifications of public hearings, and technical support data. Non-regulatory submittals which have only received EPA approval on selected elements are included in their entirety with an accompanying indication of the status of Federal actions on the non-approved elements. The non-regulatory revisions have been organized in this document

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* Regulations and Non-Regulatory Revisions to State Implementation Plan: Virgin Islands, EPA-450/2-80-061, prepared under Contract 68-02-3388, July 31, 1980.

according to the date of publication of EPA approval in the Federal Register. For historical completeness, a complete tabulation of these revisions is provided at the beginning of this second section.

SUMMARY OF
EPA-APPROVED REGULATORY REVISIONS TO U.S. VIRGIN ISLANDS SIP
BETWEEN JULY 1, 1979 AND JULY 31, 1981

Publication of Approval	Submittal Date	Page	Document Description
None	- - -	-	No revisions were approved during this period.

TABLE OF CONTENTS

VIRGIN ISLANDS REGULATIONS

Revised Standard Subject Index	Section Number	Title	Page
(1.0)	204-20	Definition of Terms	1
(51.13)	204-21	Regulation to Control Open Burning	2
(50.1.2)	204-22	Regulations to Control Emission of Visible Air Contaminants	3
(50.1)	204-23	Regulations Governing Emission of Particulate Matter	4
(51.8)	204-23(a)	Particulate Emissions from Hot Mix Asphalt Plants	4
(51.5)	204-23(b)	Particulate Emissions from Fuel Burning Equipment	4
(51.9)	204-23(c)	Particulate Emission from Incinerators	5
(50.1.1)	204-23(d)	Particulate Emissions from Industrial Process Equipment	5
(51.16)	204-24	Storage of Petroleum or Other Volatile Products	6
(50.1)	204-25	Preventing Particulate Matter from Becoming Air-Borne	6
(50.2)	204-26	Sulfur Compounds Emission Control	7
(50.7)	204-27	Air Pollution Nuisances Prohibited	9

Revised Standard Subject Index	Section Number	Title	Page
(12.0)	204-28	Internal Combustion Engine Limits	10
(7.0)	204-29	Upset, Breakdown or Scheduled Maintenance	10
(2.0)	204-30	Circumvention	11
(13.0)	204-31	Duty to Report Discontinuance or Dismantlement	11
(5.0)	204-32	Variance Clauses	11
(3.0)	206-20	Permits Required	13
(2.0)	206-21	Transfer	14
(3.0)	206-22	Applications	14
(3.0)	206-23	Cancellation of Applications	14
(9.0)	206-24	Provision of Sampling and Testing Facilities	14
(3.0)	206-25	Standards for Granting Applications	14
(2.0)	206-26	Conditional Approval	15
(3.0)	206-27	Denial of Applications	15
(2.0)	206-28	Further Information	15
(2.0)	206-29	Appeals	15
(10.0)	206-30	Review of New Sources and Modifications	16

REVISED STANDARD SUBJECT INDEX

1.0 DEFINITIONS

2.0 GENERAL PROVISIONS AND ADMINISTRATIVE PROCEDURES

3.0 REGISTRATION CERTIFICATES, OPERATING PERMITS AND APPLICATIONS

4.0 AIR QUALITY STANDARDS (PRIMARY AND SECONDARY)

- 4.1 PARTICULATES
- 4.2 SULFUR DIOXIDE
- 4.3 NITRIC OXIDES
- 4.4 HYDROCARBONS
- 4.5 CARBON MONOXIDE
- 4.6 OXIDANTS
- 4.7 OTHERS

5.0 VARIANCES

6.0 COMPLIANCE SCHEDULES

7.0 EQUIPMENT MALFUNCTION AND MAINTENANCE

8.0 EMERGENCY EPISODES

9.0 AIR QUALITY SURVEILLANCE AND SOURCE TESTING

10.0 NEW SOURCE PERFORMANCE STANDARDS

11.0 NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS

12.0 MOTOR VEHICLE EMISSIONS AND CONTROLS

13.0 RECORD KEEPING AND REPORTING

14.0 PUBLIC AVAILABILITY OF DATA

15.0 LEGAL AUTHORITY AND ENFORCEMENT

16.0 HEARINGS, COMPLAINTS, AND INVESTIGATIONS

17.0 PREVENTION OF SIGNIFICANT DETERIORATION

18.0 AIR QUALITY MAINTENANCE AREA

19.0 EMISSION OFFSET POLICY

20.0 MAJOR STATIONARY SOURCES

21.0 - 49.0

RESERVED FOR FUTURE EXPANSION OF COMMON INDEX

50.0 POLLUTANT - SPECIFIC REGULATIONS

- 50.1 PARTICULATES

50.1.1 PROCESS WEIGHT
50.1.2 VISIBLE EMISSIONS
50.1.3 GENERAL
50.2 SULFUR COMPOUNDS
50.3 NITRIC OXIDES
50.4 VOLATILE ORGANIC COMPOUNDS
50.5 CARBON MONOXIDE
50.6 ODOROUS POLLUTANTS
50.7 OTHERS (Pb, Hg, etc.)
51.0 SOURCE CATEGORY SPECIFIC REGULATIONS
51.1 AGRICULTURAL PROCESSES (includes Grain Handling, Orchard Heaters, Rice and Soybean Facilities, Related Topics)
51.2 COAL OPERATIONS (includes Cleaning, Preparation, Coal Refuse Disposal Areas, Coke Ovens, Charcoal Kilns, Related Topics)
51.3 CONSTRUCTION (includes Cement Plants, Materials Handling, Topics Related to Construction Industry)
51.4 FERROUS FOUNDRIES (includes Blast Furnaces, Related Topics)
51.5 FUEL BURNING EQUIPMENT (coal, natural gas, oil) - Particulates (includes Fuel Content and Other Related Topics)
51.6 FUEL BURNING EQUIPMENT (coal, natural gas, oil) - SO_2 (includes Fuel Content and Other Related Topics)
51.7 FUEL BURNING EQUIPMENT (oil, natural gas, coal) - NO_2 (includes Fuel Content and Other Related Topics)
51.8 HOT MIX ASPHALT PLANTS
51.9 INCINERATION
51.10 NITRIC ACID PLANTS
51.11 NON-FERROUS SMELTERS (Zn, Cu, etc.) - Sulfur Dioxide
51.12 NUCLEAR ENERGY FACILITIES (includes Related Topic)
51.13 OPEN BURNING (includes Forest Management, Forest Fire, Fire Fighting Practice, Agricultural Burning and Related Topics)
51.14 PAPER PULP; WOOD PULP AND KRAFT MILLS (includes Related Topics)
51.15 PETROLEUM REFINERIES
51.16 PETROLEUM STORAGE (includes Loading, Unloading, Handling and Related Topics)
51.17 SECONDARY METAL OPERATIONS (includes Aluminum, Steel and Related Topics)
51.18 SULFURIC ACID PLANTS

51.19 SULFURIC RECOVERY OPERATIONS

51.20 WOOD WASTE BURNERS

51.21 MISCELLANEOUS TOPICS

51.22 COATING OPERATIONS (Can, Coil, Paper, Fabric, Vinyl, Metal, Wire, Surface Coating)

51.23 CUTBACK ASPHALT

51.24 SOLVENT METAL CLEANING

Chapter 9 - Air Pollution Control
Subchapter 204 - Air Quality Control Regulations

Section 204-20 Definition of Terms

The following words and phrases when used in this regulation shall for the purpose of this regulation have the meanings respectively ascribed to them, unless a different meaning is clearly indicated.

(a) Department: The Virgin Islands Department of Health

(b) Fuel-Burning Equipment: Equipment, device, or contrivance and all appurtenances thereto, including ducts, breechings, control equipment, fuel feeding equipment, ash-removal equipment, combustion controls, stacks, chimneys, etc., used principally but not exclusively, to burn any fuel for the purpose of indirect heating in which the material being heated is not connected by and adds no substance to the products of combustion. Such equipment typically includes that used for heating water to boiling; raising steam, or super-heating steam; heating air as in a warm air furnace; furnishing process heat that is conducted through process vessel walls; and furnishing process heat indirectly through its transfer by fluids.

(c) Fugitive Dust: Solid airborne particulate matter emitted at or near ground level from any source other than a stack, flue or duct.

(d) Incinerator: All devices intended or used for the destruction of refuse or other combustible refuse by burning.

(e) Open Burning: Any manner of burning or causing rapid oxidation that results in products being discharged into the open air without passing through a properly designed stack, duct, chimney, flue or other control process.

(f) Particulate Matter: Any airborne material except uncombined water which is often, but not always, suspended in air or other gases at atmospheric temperature and pressure.

(g) Process Equipment: Any equipment, device or contrivance for changing any materials whatever or for storage or handling of any materials, and all appurtenances thereto, including ducts, stacks, etc., the use of which may cause any discharge of an air contaminant into the outdoor atmosphere but not including that equipment specifically defined as fuel-burning equipment or refuse-burning equipment in this regulation.

(h) Process Weight Rate: A rate established as follows:

(1) For continuous or long-run steady-state source operations, the total process weight for the entire period of continuous

operation or for a typical portion thereof, divided by the number of hours of such period of portion thereof.

(2) For cyclical or batch unit operations, or unit processes, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such a period.

(3) Where the nature of any process or operation or the design of any equipment, is such as to permit more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply.

(i) Ringelmann Scale: The scale of comparative smoke densities published in the United States Bureau of Mines Circular No.8333.

(j) Smoke: Small gas-borne particles resulting from incomplete combustion of carbonaceous material, in sufficient number to be observable.

(k) Standard Conditions: A gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute.

(l) Stack: Stack, chimney, flue, conduit, or opening arranged for the emission of solids, liquids, gases or aerosols into the outdoor atmosphere.

Section 204-21 Regulation to Control Open Burning

No person shall permit, cause, suffer or allow open burning except under the following circumstances:

(a) When in the judgement of the Commissioner or his authorized representative, no other method for the disposal of the material exists or can reasonably be obtained.

(b) Where the fire is for recreational, educational, ceremonial or cooking purposes, including barbecues, provided no smoke violation or other nuisance is created.

(c) When authorized by the Commissioner or his designated representative, fires are permitted for the following purposes: elimination of fire hazards, conservation practices, disease control, game management, training and instruction of bona fide fire-fighting and fire rescue personnel, civil defense needs, land clearance for private home construction in rural areas and special circumstances. Such fires may not be authorized wherein the ambient air quality of other property is detrimentally affected.

(d) Where no practical alternative exists for safety flares or smokeless flares for the combustion of waste gases, provided other conditions

of the Air Quality Control Act and the regulations set forth persuant to these regulations are met.

The Commissioner or his authorized representative may impose any reasonable conditions which he deems necessary (1) to prevent the creation of excessive smoke, (2) to protect property, or (3) to protect the health, safety or comfort of the public.

Section 204-22 Regulations to Control Emission of Visible Air Contaminants

(a) Restrictions Applicable to Existing Installations

No person shall discharge into the atmosphere from any single source of emission whatsoever any air contaminant:

(1) Of a shade or density equal to or darker than that designated as No. 2 on the Ringelmann Chart, or

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (2) (1) of this regulation.

(b) Restrictions Applicable to New Installations

No person shall discharge into the atmosphere from any single source of emission whatsoever any air contaminant:

(1) Of a shade or density equal to or darker than that designated as No. 1 on the Ringelmann Chart, or

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (b) (1) of this regulation.

(c) Exceptions

A person may discharge into the atmosphere from any single source of emission for a period or periods aggregating not more than six minutes in any sixty minutes air contaminants:

(1) Of a shade or density not darker than No. 2 on the Ringelmann Chart, or

(2) Of such opacity as to obscure an observer's view to a degree not greater than does smoke described in subsection (c) (1) of this regulation.

(3) Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of Sections (a) (b) of this regulation, such sections shall not apply.

(d) Method of Measurement

(1) The Ringelmann Chart published and described in the U.S. Bureau of Mines Information Circular 8333 or the U.S. Public Health Service Smoke Inspection Guide as described in the Federal Register, Title 42, Chapter 1, Subchapter F, Part 75, shall be used in grading the shade or opacity of visible air contaminant emissions. The Commissioner may specify other means of measurement which give comparable results or results of greater accuracy. The two publications described in this subsection are hereby made a part of this regulation by reference.

Section 204-23 Regulations Governing Emission of Particulate Matter

(a) Particulate Emissions from Hot Mix Asphalt Plants

(1) No person shall permit, cause, suffer or allow particulate matter emissions from such plant into the atmosphere in excess of the quantity in Table I. For a process weight between any two consecutive process weights in the table, the emission limitation shall be determined by interpolation. Where the plant has more than 1 stack, the emission total is that from all stacks.

(2) No plant shall operate without a fugitive dust control system and the system shall operate and be maintained so that particulate emission is limited to the stack outlet.

(3) The owner or operator of the plant shall maintain dust control of the plant premises and plant owned, leased, or controlled access roads by paving, oil treatment, or other suitable measures. Good operating practices shall be observed in relation to stockpiling, screen changing, and general maintenance to prevent dust generation and atmospheric entrainment. Good operating practices, including water spraying or other suitable measures, shall be employed to minimize dust generation and an atmospheric entrainment when hot bins are pulled.

(b) Particulate Emissions from Fuel-Burning Equipment

(1) No person shall cause, suffer, or allow to be emitted into the outdoor atmosphere from any fuel-burning equipment or premises, or to pass a convenient measuring point near the stack outlet, particulate matter in excess of the quantity set forth in the following table:

Heat input millions of British thermal units per hour	Maximum allowable emission of particulate matter in pounds per hour per million British thermal units of heat input
10 or less	0.60
100	0.352
1,000	0.207
10,000 or more	0.0904

(2) If two or more units connect to a single stack or chimney, each unit shall for the purpose of computing the maximum allowable emission rate be considered a separate entity with the allowable emission rate for the stack or chimney the sum of the individual computations.

(c) Particulate Emission from Incinerators

(1) No person shall cause, or permit the emission of particulate matter from the stack or chimney of any existing incinerator in excess of the following:

(A) Incinerators with a maximum refuse burning capacity of 200 or more pounds per hour, 0.2 grain of particulate matter per standard dry cubic foot of exhaust gas.

(B) All other incinerators, 0.3 grain of particulate matter per standard dry cubic foot of exhaust gas.

(2) No incinerator shall be used for the burning of refuse unless such incinerator is a multiple chamber incinerator. Existing incinerators which are not multiple chamber incinerators, may be altered, modified, or rebuilt as may be necessary to meet the requirements of emission limitations after plans and specifications have been approved by the Commissioner or his designated representative.

Note: The St. John Municipal Incinerator is exempt from compliance with Section 204-23(c)(2).

(d) Particulate Emissions from Industrial Process Equipment

(1) The maximum allowable emission of particulate matter from any source whatever except fuel-burning equipment, refuse burning equipment and equipment or processes otherwise noted herein, shall be determined from Table II. To use the table, find the process weight per hour in the table, and note the allowable rate of emissions in pounds per hour next to the process weight per hour.

(2) If two or more process units connect to a single stack or chimney, each unit shall for the purpose of computing the maximum allowable emission rate be considered a separate entity with the allowable emission rate for the stack or chimney the sum of the individual computations.

Section 204-24 Storage of Petroleum or Other Volatile Products

A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 65,000 gallons capacity any petroleum or volatile product or mixture of products having a vapor pressure 2.0 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

(a) A floating roof, consisting of a pontoon-type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline petroleum distillate or other volatile products has a vapor pressure of 12.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas tight except when gauging or sampling is taking place.

(b) A vapor recovery system, consisting of a vapor-gathering system capable of collecting the hydrocarbon vapors or other gases discharged and vapor-disposal system capable of processing such hydrocarbon vapors or other gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

(c) Other equipment of equal efficiency, provided plans for such equipment are submitted to and approved by the Commissioner or his designated representative.

Section 204-25 Preventing Particulate Matter from Becoming Air-Borne

(a) No person shall cause or permit the handling or transporting or storage of any material in a manner which allows or may allow unnecessary amount of particulate matter to become air-borne.

(b) No person shall cause or permit a building or its appurtenances or a road, or a driveway, or an open area to be constructed, used, repaired or demolished without applying all such reasonable measures as may be required to prevent particulate matter from becoming air-borne.

(c) The Commissioner may require such reasonable measure as may be necessary to prevent particulate matter from becoming air-borne including but not limited to paving or frequent cleaning of roads, driveways and parking lots; application of dust-free surfaces; application of oil or water; and the planting and maintenance of vegetative ground cover.

Section 204-26 Sulfur Compounds Emission Control

(a) Sulfur Dioxide

(1) No person shall cause, let, permit, suffer or allow any emission of sulfur oxides which results in ground level concentrations of sulfur oxides at any given point in excess of 0.5 ppm (volume) in any three hour period or average exposure in excess of 0.14 ppm (volume) of sulfur oxide in any 24-hour period. These limitations shall not apply to ground level concentrations occurring on the property from which such emission occurs, provided such property, from the emission point to the point of any such concentration, is controlled by the person responsible for such emission.

(2)* No person shall sell, offer for sale, purchase for use in or use in any air contamination source having: (i) a total combined rated heat input capacity greater than 8 million BTU/hr. residual fuel oil with a sulfur content by weight in excess of the value listed in Table 1; (ii) a total combined rated heat input capacity less than or equal to 8 million BTU/hr, residual fuel oil with a sulfur content by weight in excess of 2.0%. For purposes of this paragraph "total combined rated heat input capacity" shall be the sum of the rated heat input capacities of all air contamination sources burning residual fuel oil.

Table 1

Maximum Permitted Sulfur Content
of Residual Fuel Oil Expressed in Percent by Weight

Effective Date	St. Croix	St. Thomas	St. John
As of Effective Date of this Section	0.5	2.0	2.0

No person who, prior to January 1, 1974, burned other than residual fuel oil for combustion purposes shall use residual fuel oil: (i) if such use shall increase the amount of sulfur oxides emitted from the source to the outdoor atmosphere and (ii) if the person has not obtained the written approval of the commissioner.

No person shall sell, offer for sale, purchase for use in or use in any air contamination source fuel other than residual fuel oil if such fuel contains in excess of 1.0% sulfur by weight.

*Administrative order relaxing sulfur in fuel limit for Martin Marietta Alumina and Hess Oil. See Non regulatory Federal Register Publication 5/2/80

All new sources must meet the EPA requirements for new source performance standards and must comply with nondegradation criteria. The Commissioner may require fuel oil samples or certification of fuel oil being combusted.

Note: (2) is disapproved as it applies to St. Croix with the exception of the Christiansted Power Plant. The Christiansted Power Plant will be allowed to use oil with a sulfur content of 1.5% by weight whereas all other St. Croix sources must comply with the 0.5% sulfur in fuel content.

(3) Notwithstanding the requirements of paragraphs (a) (1) and (a) (2) of this section, no person shall be authorized to burn fuel oil which shall cause the contravention of any National Ambient Air Quality Standard for sulfur oxides or create a violation of the approved control strategy for sulfur oxides, as contained in the Virgin Islands Air Implementation Plan.

(b) Hydrogen Sulfide

(1) No person shall cause or permit the emission of hydrogen sulfide from any premises in such manner and amounts that the concentrations attributable to such emissions in the ambient air at any occupied place beyond the premises on which the source is located exceed 0.03 parts per million by volume for any averaging period of 30 or more minutes on more than two occasions in any five days.

(c) Stack Testing and Monitoring

(1) Any person responsible for the discharge of sulfur compounds in the form of gases, vapors, or liquid particles through a stack or chimney into the outdoor atmosphere shall, when requested by the Department, provide the facilities and necessary equipment for determining the combined quantity of such sulfur compounds being discharged from the stack or chimney and shall conduct stack tests using methods approved by the Department. Such tests may include a determination of the sulfur concentrations, the total gas volume being discharged and the gas temperature and pressure at the sampling point in the stack or chimney. The data shall be reported in a permanent log at such intervals as specified by the Department. The data shall be maintained for a period of not less than one year and shall be available for review by the Department and inspection by members of the public.

(2) The provisions of Section 204-26(c)(1) shall not apply when the total volume of gases discharged from a stack or chimney is less than 1,000 cubic feet per minute at standard conditions.

(3) Whenever the person responsible for the discharge of sulfur compounds can present data to the Department showing that his emissions are well under the allowable emissions or that his process produces predictable concentrations and emission rates, he may apply to the Department for a waiver or modification of the stack testing requirement. For the purpose of this Section, existing data may be offered as substantiating evidence for such waiver or modification. If a waiver or modification is

approved by the Department, the Department shall notify the person of such approval in writing.

(d) Authorized Exceptions

(1) The Commissioner may authorize a source to use fuel oil with a sulfur content higher than that established by Section (a)(2) hereof, pursuant to the exemption provisions of Title 12, Chapter 9, Section 211 of the Virgin Islands Code, or, under the provisions of this subsection. Exceptions may be granted under this subsection in the event --

(A) An industrial process or atmospheric pollution control equipment or both will result in the removal of sulfur compounds from combustion gases emitted by the source, and as a result of such removal, sulfur compound emissions from the source will not exceed those that would result if the fuel required by Section (a)(2) was used without such removal, or

(B) Such source reasonably demonstrates with acceptable computations verified by substantially accurate and reliable measured scientific data, which data is based upon use of the fuel specified in subsection (a)(2) of this section, that use of fuel oil with a higher sulfur content than that established in subsection (a)(2) hereof will not contravene subsection (a)(1) hereof, which demonstration may be based upon the results of changes in operating conditions or changes in configuration.

(2) Such authorization shall be granted by the Commissioner only by means of a permit or compliance plan that specifies the maximum percentage of sulfur in fuel, by weight, and the appropriate operating conditions which are authorized for such source. Such exception shall not be effective until it has been approved by the Administrator of the Environmental Protection Agency.

(A) No fuel oil shall be combusted which is in excess of 2% sulfur content by weight. Twenty four months from the adoption of these regulations the maximum sulfur content by weight of combustible fuel oils shall not exceed 1%. Thirty six months from the adoption of these regulations, the maximum sulfur content by weight of combustible fuel oils shall not exceed 0.5

Section 204-27 Air Pollution Nuisances Prohibited

(a) No person shall cause or permit the discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, annoyance to any considerable number of persons or to the public or which endanger the comfort,

repose, health, or safety of any such persons or the public or which cause or have a tendency to cause injury or damage to business or property.

(b) Nothing in any other regulation concerning emission of air contaminants or any other regulations relating to air pollution shall in any manner be construed as authorizing or legalizing the creation or maintenance of a nuisance as described in Section (a) of this regulation.

Section 204-28 Internal Combustion Engine Limits

No person shall operate, or cause to be operated, upon any street, highway, public place or private premises within the Virgin Islands, any internal combustion engines, while stationary or moving, which emit from any source of emission whatsoever any air contaminant for a period longer than 10 seconds with the aggregate not to exceed three minutes in any one hour which is:

(a) As dark or darker than in shade as that designated No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines or

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) of this section.

Section 204-29 Upset, Breakdown or Scheduled Maintenance

Operation of any equipment or air pollution control devices or apparatus so as to cause emissions of air contaminants in excess of limits set by these regulations which is a direct result of upset conditions or breakdown or is a direct result of the shutdown of such equipment of air pollution control devices or apparatus for scheduled maintenance, is not a violation of these regulations provided:

(a) The occurrence has been reported to the Department at least 24 hours before any scheduled maintenance, and the scheduled maintenance is performed where possible during times specified by the Department as favorable for atmospheric ventilation.

(b) The occurrence has been reported to the Department as soon as reasonably possible in the case of an upset or breakdown, but in no case more than 24 hours after occurrence.

(c) Repairs are made with maximum, reasonable effort, including use of off-shift labor, overtime, or work periods of non-operation.

(d) The emission of air contaminants is minimized as much as possible during the scheduled maintenance, upset or breakdown.

(e) The air contaminant is not of a nature of quantity which would endanger public health or safety.

(f) Upsets or breakdowns do not occur with such frequency that careless, marginal or unsafe operation is indicated.

Section 204-30 Circumvention

No person shall build, erect, install or use any article, machine equipment or other contrivance, the sole purpose of which is to dilute or conceal an emission without resulting in a reduction in the total release of air contaminants to the atmosphere. Increase in stack height or construction so as to increase stack exit velocity of gases shall not constitute a violation of this section.

Section 204-31 Duty to Report Discontinuance or Dismantlement

It shall be the duty of any person responsible for any discontinued or dismantled fuel-burning, combustion or process equipment or device coming under the jurisdiction of the permits provision of this chapter to report to the Department within thirty (30) days the permanent discontinuance or dismantlement of such equipment or device.

Section 204-32 Variance Clauses

Where emission sources in existence prior to adoption of this regulation do not meet the particulate matter emission limitations noted in proceeding sections then a program to the particulate matter emission limitations stipulated shall be developed and offered to the Commissioner by the owner of the equipment causing the emission. This program shall be submitted upon the request of and within such times as shall be reasonably determined by the Commissioner, and after said program has been approved by the Commissioner, the owner of the equipment causing the emission, shall not be in violation of this regulation so long as said program is observed. In evaluating such a program of improvement, the Commissioner shall take into consideration the following factors:

(a) Action taken to control atmospheric pollution within emission limitations in effect prior to this regulation.

(b) Efficiency of any existing control equipment relative to that which would be required to meet emission limitations of this regulation.

(c) Temporary interim control measures intended to minimize existing pollution levels.

(d) The effect the source of emission has on air pollution generally or in the immediate vicinity of the source.

Any variance granted pursuant to the provisions of these regulations shall be granted for such a period of time, not to exceed one year, but such variance may be continued from year to year. When a variance is granted, an acceptable compliance schedule shall be developed including regular progress reports.

TABLE I

Aggregate Process Rate Pounds Per Hour	Stack Emission Rate Pounds Per Hour
10,000	10
20,000	16
30,000	22
40,000	28
50,000	31
100,000	33
200,000	37
300,000	40
400,000	43
500,000	47
600,000	50

TABLE II
ALLOWABLE RATE OF EMISSION BASED ON
PROCESS WEIGHT RATE[a]

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
Lb/Hr	Tons/Hr	Lb/Hr	Lb/Hr	Tons/Hr	Lb/Hr
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.	19.2
600	0.30	1.83	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	35.4
1,500	0.75	3.38	60,000	30.	40.0
2,000	1.00	4.10	70,000	35.	41.3
2,500	1.25	4.76	80,000	40.	42.5
3,000	1.50	5.38	90,000	45.	43.6
3,500	1.75	5.96	100,000	50.	44.6
4,000	2.00	6.52	120,000	60.	46.3
5,000	2.50	7.58	140,000	70.	47.8
6,000	3.00	8.56	160,000	80.	49.0
7,000	3.50	9.49	200,000	100.	51.2
8,000	4.00	10.4	1,000,000	500.	69.0
9,000	4.50	11.2	2,000,000	1,000.	77.6
10,000	5.00	12.0	6,000,000	3,000.	92.7
12,000	6.00	13.6			

(a) Interpolation of the data in this table for process weight rates up to 60,000 lb/hr shall be accomplished by use of the equation $E=4.10P^{0.67}$ and interpolation and extrapolation of the data for purpose weight rates in excess of 60,000 lb/hr shall be accomplished by use of the equation: $E-55.0P^{0.11}-40$, where E=rate of emission of lb/hr and P=process weight in tons/hr.

For those processes whose weight exceeds 200 tons/hr, the maximum allowable emission may exceed that shown in Table II, provided that the concentration of particulate matter in the discharge gases to the atmosphere is less than 0.10 pounds per 1,000 pounds of gases.

Chapter 9 - Air Pollution Control
Subchapter 206 - Air Pollution Control Regulations

Section 206-20 Permits Required

(a) Authority to Construct. Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminante or reduce or control the issuance of air contaminants, shall first obtain authorization for such construction from the Commissioner or his designated representative. An authority to construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied or the application is cancelled.

(b) Permit to Operate. Before any article, machine, equipment or other contrivance described in sub-section (a) of this section may be operated or used, a written permit shall be obtained from the Commissioner or his designated representative. No permit to operate or use shall be granted until the information required is presented and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth in Section 206-25 and elsewhere in these Regulations.

(c) A person who has been granted a permit under the provisions of subsection (a) and (b) of this section, shall firmly affix such permit to operate, an approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment, or other contrivance in such a manner as to be clearly visible and accessible. In the event that the article, machine, equipment, or other contrivance is so constructed or operated that the permit to operate cannot be so placed, then the permit should be maintained readily available at all times on the operating premises.

(d) A person shall not willfully deface, alter, forge, counterfeit, or falsify a permit to operate any article, machine, equipment, or other contrivance.

Section 206-21 Transfer

An authority to construct or permit to operate shall not be transferable, either from one location to another, from one piece of equipment to another, or from one person to another.

Section 206-22 Applications

Every application for an authority to construct or permit to operate required under Section 206-20 shall be filed in the manner and form prescribed by the Commissioner or his designated representative, and shall give all the information necessary to make the determination required by Section 206-25 hereof.

Section 206-23 Cancellation of Applications

(a) An authority to construct shall expire and the application shall be cancelled two years from the date of issuance of the authority to construct.

(b) An application for permit to operate existing equipment shall be cancelled two years from the date of filing of the application.

Section 206-24 Provision of Sampling and Testing Facilities

A person operating or using any article, machine, equipment or other contrivance for which these regulations require a permit shall provide and maintain such sampling and testing facilities as specified in the authority to construct or permit to operate.

Section 206-25 Standards for Granting Applications

(a) The Commissioner or his designated representative shall deny an authority to construct or permit to operate, except as provided in section 206-26 of this subchapter, if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment, that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of this subchapter. In addition no approval to construct or modify a stationary source will be granted unless the applicant shows to the satisfaction of the Commissioner or his designated representative that the stationary source will not prevent or interfere with attainment or maintenance of the National Ambient Air Quality Standards.

(b) Before an authority to construct or a permit to operate is granted, the Commissioner or his designated representative may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants

discharged into the atmosphere from the article, machine, equipment or other contrivance described in the authority to construct or permit to operate. In the event of such a requirement, the Commissioner shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; and the utilities for operating the sampling and testing equipment.

(c) In acting upon a Permit to Operate, if the Commissioner finds that the article, machine, equipment or other contrivance has been constructed not in accordance with the Authority to Construct, he shall deny the Permit to Operate. The Commissioner shall not accept any further application for permit to operate the article, machine, equipment or other contrivance so constructed until he finds that the article, machine, equipment or other contrivance has been reconstructed in accordance with the Authority to Construct.

Section 206-26 Conditional Approval

(a) The Commissioner may issue an authority to construct or a permit to operate, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Section 206-25, in which case the conditions shall be specified in writing. Commencing work under such an authority to construct or operation under such a permit to operate shall be deemed acceptance of all the conditions so specified. The Commissioner shall issue an authority to construct or a permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Section 206-25 under the revised conditions.

Section 206-27 Denial of Applications

In the event of denial of an authority to construct or permit to operate, the Commissioner shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the person served or affidavit of the person making the service. The Commissioner shall not accept a further application unless the applicant has complied with the objections specified by the Commissioner as for his reasons for denial of the authority to construct or the permit to operate.

Section 206-28 Further Information

Before acting on an application for authority to construct or permit to operate, the Commissioner may require the applicant to furnish further information or further plans or specifications.

Section 206-29 Appeals

Within 10 days after notice, by the Commissioner, of denial or conditional

approval of an authority to construct or permit to operate, the applicant may petition the Advisory Commission, in writing, for a public hearing.

Section 206-30 Review of New Sources and Modifications

(a) This requirement is applicable to any stationary source subject to review under Section 206-20, Chapter 19, Title 12, Virgin Islands Code, the construction or modification of which is commenced after the effective date of this paragraph.

(b) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Commissioner of the location of such source.

(1) Application for approval to construct or modify shall be made on forms furnished by the Commissioner, or by other means prescribed by the Commissioner.

(2) A separate application is required, for each source.

(3) Each application shall be signed by the applicant.

(4) Each application shall be accompanied by site information, stack data, and the nature and amount of emissions. Such information shall be suffieient to enable the Commissioner to make any determination pursuant to sub-paragraph (c) of this paragraph.

(5) Any additional information, plans, specifications, evidence, or documentation that the Commissioner may require shall be furnished upon request.

(c) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Commissioner that the source will not prevent or interfere with attainment or maintenance of any national standard.

(d) The Commissioner will act within 60 days on an application and will notify the applicant in writing of his approval or denial of the application. The Commissioner will set forth his reasons for any denial.

(e) The Commissioner may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(f) Approval to construct or modify shall not be required for:

(1) The installation or alteration of an air pollutant detector, air pollutants recorder, combustion controller, or combustion shut off.

(2) Air conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(3) Fuel burning equipment, other than smokehouse generators, which use gas as a fuel for space heating, air conditioning, or heating water; is used in a private dwelling; or has a heat input of not more than 350,000 B.T.U. per hour (88.2 million gm-cal/hr.).

(4) Mobile internal combustion engines.

(5) Laboratory equipment used exclusively for chemical or physical analyses.

(g) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with all local, State, and Federal regulations which are part of the applicable plan.